

**RULES OF THE JEFFERSON PARISH
JUVENILE COURT**

(As they appear in the 2007 West's Louisiana Rules Of Court – State, pp. 733-786)

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CHAPTER 40 PRELIMINARY PROVISIONS; JURISDICTION; DEFINITIONS
RULE 40.1 Definitions

Except where the context clearly indicates otherwise, as used in these rules:

- (1) “CC” means the Civil Code for the State of Louisiana, as amended.
- (2) “CCP” means the Code of Civil Procedure for the State of Louisiana, as amended.
- (3) “CCrP” means the Code of Criminal Procedure for the State of Louisiana, as amended.
- (4) “Ch.C.” means the Children’s Code for the State of Louisiana, as amended.
- (5) “CINC” means Child in Need of Care.
- (6) “COURT” means the Jefferson Juvenile court or a judge, hearing officer, or traffic referee acting in a section thereof.
- (7) “DHH” means the DEPARTMENT OF HEALTH AND HOSPITALS for the State of Louisiana.
- (8) “DJS” means the DEPARTMENT OF JUVENILE SERVICES for the Parish of Jefferson. DJS investigates and advises the Court in all delinquency and adjudicated families in need of services cases, providing probation supervision for those children not in the custody of the DPSC/OYD. Through a contract with Family Services Society of Greater New Orleans, DJS provides monitoring services of non-adjudicated Family in Need of Services cases.
- (9) “DPSC” means the DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS for the State of Louisiana.
- (10) “DSS” means the DEPARTMENT OF SOCIAL SERVICES for the State of Louisiana.
- (11) “DISTRICT ATTORNEY” means the Jefferson Parish District Attorney and includes all Assistant District Attorneys.
- (12) “FINS” means Families in Need of Services.
- (13) “HEARING OFFICER” is an attorney appointed by the Juvenile Court to hear cases involving child support, visitation, paternity, Families in Need of Services (FINS), and any other cases allowed by law. The Hearing Officer acts as a finder of fact and has authority to take testimony, administer oaths, compel witnesses, issue subpoenas, make a record and accept mediated agreements. The Hearing Officer shall make a written recommendation to the Judge concerning the disposition of the matter. Ch.C. Article 423.
- (14) “IDB” means the Indigent Defender Board for the Parish of Jefferson.
- (15) “JUDGE” means a duly elected judge of the Jefferson Parish Juvenile Court or a judge ad hoc appointed by the Louisiana State Supreme Court.
- (16) “NUMBER/GENDER” The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with these rules.
- (17) “OCS” means the OFFICE OF COMMUNITY SERVICES for the State of Louisiana and is a subdivision of DSS. OCS investigates and provides services to the Court in all child abuse and neglect cases. OCS is the placement agency for all children in its custody.
- (18) “OYD” means the OFFICE OF YOUTH DEVELOPMENT for the State of Louisiana and is a subdivision of DPSC. OYD investigates and advises the Court in

status offender and delinquency cases by providing parole supervision and probation supervision of those children in its custody. OYD is the placement agency for children in its custody.

(19) “R.S.” means Louisiana Revised Statutes, as amended.

(20) “TRAFFIC REFEREE” means an officer appointed by the Juvenile Court to hear all traffic cases involving juveniles except those cases prosecuted under R.S. 14:00 et seq.

(21) “UIFSA” means UNIFORM INTERSTATE FAMILY SUPPORT ACT adopted in Ch.C. Art 1301.1 et seq.

CHAPTER 41 COURT ORGANIZATION AND SESSIONS

Rule 41.0 General Organization of Court

(a) SECTIONS OF COURT

The Court is comprised of three sections, designated as “A”, “B”, and “C”.

(b) REGULAR HOURS OF THE COURT

Unless otherwise determined by a judge, hearing officer, or traffic officer, court convenes at 8:30 a.m. and adjourns at 4:30 p.m. on weekdays, excluding legal holidays. The Court will continue in session beyond the customary hour as the judge determines and the docket requires.

In keeping with R.S. 33:1435, “Each sheriff or deputy shall attend every court that is held in his parish, and shall execute all writs, orders, and process of the Court, or judge thereof, directed to him.”

Rule 41.1 Court Administration

Judicial Administrator

Dawn A. Palermo

(504) 367-3500

Rule 41.2 Procedure

(a) ALLOTMENT OF CASES

A. Based on the allegations in the petition, each new case filed in court shall be placed in one of the following categories:

- (1) Abortion (AN)
- (2) Adoption (AD)
- (3) Adult Records (AR)
- (4) Child in Need of Care (CC)
- (5) Family in Need of Services (FS) or (JU)
- (6) Civil and Criminal Non-Support (NS)
- (7) Juvenile Delinquency (JU)
- (8) Paternity (PA)
- (9) Permanent Placement (PP)
- (10) Termination of Parental Rights (TP)
- (11) Traffic (TR)
- (12) UIFSA (UR where Louisiana is responding state; UI where Louisiana is initiating state)
- (13) Miscellaneous

B. After each new case has been allotted to a category listed in rule 2.2 A, each case is allotted to a particular section of the Court on a rotating basis within each category. Cases will be allotted first to Section “A”, then to Section “B”, and then to Section “C”, returning to section “A”, etc.

C. Upon allotment of a new case to a particular section, a case file shall be assembled which shall include the case’s section and docket number. The case will remain in that section unless it is transferred to another section by an agreement of the two Judges involved or by recusal of the Judge to whom the case was originally assigned.

D. Upon request by the Judge to whose section a case is allotted, or with his/her consent, or in his/her absence, any Judge may hear any case, render any judgment, sign any order and take any and all appropriate action in any case, without regard to the section to which the case was originally allotted.

E. In order to discourage forum shopping, all cases that have been filed and allotted, then dismissed and refilled, shall be re-allotted to the section of court to which the case was originally allotted. It shall be the duty of any attorney in such a case to call to the Court’s attention the existence of such earlier case.

(b) SETTING OF CASES

A. The hearings to determine continued custody in Delinquency or Child in Need of Care cases not previously allotted, shall be allocated to a section of court on the afternoon preceding the hearing.

B. Cases involving family members shall be allotted to the same section of court. Adult Records (AR), which include those enumerated in Ch.C. Art. 312, shall be allotted to a section other than the section hearing the juvenile’s case. A Termination of Parental Rights (TP) case, a Permanency Placement (PP) case, and an Adoption (AD) case shall be allotted to the section to which the original Child In Need of Care (CINC) case was allotted. In all other cases where there are prior cases of family members, the cases shall be cross-indexed and transferred to the section of court to which the case bearing the lowest docket number was allotted.

C. Simultaneous cases involving co-defendants not previously assigned shall be allotted to the same section of court. All other cases involving co-defendants shall be maintained in the section of original allotment, but may be consolidated for hearing. In such instances, the section allotted the case with the lower docket number will hear the matter.

(c) CONFIDENTIALITY OF PROCEEDINGS

A. Except as otherwise provided by Ch.C. Art. 407, all juvenile proceedings are confidential and closed to the public. Public access to the proceedings may be restricted according to available space in each courtroom as well as any security needs.

B. Except as otherwise provided by Ch.C. Art. 412, all juvenile records are to remain confidential. Access to records may be permitted for good cause shown pursuant to a motion for disclosure addressed to the section Judge. A form motion for disclosure is available from the Office of the Clerk of Court for Jefferson Parish Juvenile Court.

C. When a record has been removed for review, it shall be replaced with a signed and dated slip indicating the file number of the case, who is using the file and where the file can be located.

(d) Code of Professionalism

This Court does hereby adopt the Code of Professionalism, Section 11 of the Louisiana Supreme Court General Administrative Rules promulgated August 5, 1997, and encourages the voluntary use of the standards contained therein by all Judges and lawyers.

CHAPTER 42. GENERAL POLICIES AND PROCEDURES

Rule 42.0 Delay Reductions

(a) Continuances.

A. A motion for continuance may be made by the District Attorney, counsel representing any party to the proceeding, or by any party in proper person.

B. If a motion for a continuance is made prior to the date of the hearing, it must be made in writing and filed with the Juvenile Clerk of Court. The moving party shall inform all counsel of record and parties in proper person of any continuance granted.

C. If a motion for a continuance is made on the date of the hearing, the requesting party shall have the approval of opposing counsel or Hearing Officer, if appropriate, and must show surprise or extenuating circumstances before the Court will consider the request.

D. No continuance will be granted based solely upon the non-appearance of a party's witness if the absent witness was not properly subpoenaed to appear by the party moving for the continuance.

(b) Court Hearing on Matter that has been the subject of Hearing Officer's Hearing.

In accordance with Ch.C. Art. 423(F), this Court shall hold a hearing before one of the Juvenile Court Judges on a matter that has been the subject of a Hearing Officer's hearing, upon the filing of a motion by either party or on this Court's, including the Hearing Officer's, own motion, in response to a disagreement before the Hearing Officer. Said hearing before one of the Judges is to be known as the "disagreement hearing". The request for said "disagreement hearing" shall be made immediately after the hearing in which there is disagreement, and shall be held on the day of request before the Magistrate Judge. If said hearing cannot be held on the day of request, said hearing shall be held on the next available date before the Magistrate Judge.

If no request for a "disagreement hearing" before a Judge has been filed within the time limits herein established, an order shall be signed by the Judge, which shall be a final judgment and be appealable to the appropriate Court of Appeal.

Rule 42.2

(a) Indigent Parties.

In all cases where the parties are indigent, transcripts of the proceedings will not be prepared by the court recorder without the authorization of the Judge of the section in which the case was heard.

Rule 42.3 Attorneys

(a) Attendance of Counsel.

All attorneys of record in matters scheduled for hearing shall be available at the time the case is called. If an attorney finds it necessary to leave the courtroom or adjacent areas, he shall inform the bailiff and indicate where he may be located.

CHAPTER 43. DEPENDENCY PROCEEDINGS (CHILD IN NEED OF CARE AND JUDICIAL CERTIFICATION FOR ADOPTION/TERMINATION OF PARENTAL RIGHTS)

Rule 43.0 One Family/One Judge Policy

When a minor adjudicated to be a CINC has been removed from the custody of his/her parent(s) or guardian(s), a dispositional review hearing shall be held in court within six (6) months from the *initial removal*. The review hearing may be scheduled earlier at the discretion of the Court.

(a) Modification of Disposition.

When any change is made in the placement, case plan, or disposition of any child in the legal custody of DSS/OCS, DPSC/OYD, DHH, or any other state department or agency, that department shall file a written notice with this Court within 24 hours of the change. Copies of the written notice shall be delivered or sent by regular mail to all counsel of record, and any unrepresented party, prior to or at the same time as filing.

In the event the change imposes more restrictive conditions in the child's placement, case plan, or disposition, the notification shall be by Motion to Modify Disposition, filed with this Court within 24 hours of the change. The motion shall thereafter be set for contradictory hearing, at which time the department must demonstrate that the modification is in the child's best interest.

If psychiatric hospitalization or inpatient substance abuse treatment is required, the Louisiana Mental Health Advocacy Service shall be appointed to represent the child. In order for an attorney from this agency to be present for the hearing, the department shall notify the Mental Health Advocacy Service of the child's hospitalization at the time it notifies the Court.

(b) Permanency Planning Hearings.

When there has been a CINC adjudication and parental rights have been terminated, either by termination proceedings or by a voluntary act of surrender, the six (6) month review hearing may be consolidated with the permanency placement review.

(c) Appointment of Counsel in Child Protection Cases

A. Policy

The Court acknowledges that each party in a case should have access to competent, continuous, diligent representation throughout the life of the case.

B. Appointment of Counsel for Parent(s) or Caretaker

Ideally, counsel should be appointed as early in the case as is practical.

(1) At the continued custody hearing, the Court will advise parent(s) of the right to court-appointed counsel if the parent(s) are indigent.

(2) The Court will, in the interest of justice, appoint counsel for such indigent persons.

(3) The Court will appoint a curator for any parent who is an absentee.

C. Appointment of Counsel for Children

The Court will appoint counsel for the children in a child protection case at the continued custody hearing.

D. Continuity of Representation

(1) Wherever possible, after counsel enters an appearance or accepts an appointment, representation shall continue through all stages of the proceedings until the case has been removed from the docket.

(2) If a parent in an action for involuntary termination of parental rights (TP) is indigent and requires appointment of counsel, the Court will appoint the same counsel who represented the parent in the CINC proceeding, except where a compelling reason would preclude such appointment.

(d) Scheduling of Court Dates

A. Policy

The Court acknowledges the importance of child protection cases moving through the judicial system and progressing to conclusion in a timely manner. The Court hereby states its intention to adhere to all timeframes provided by law, and, when ever possible, to hold hearings on the dates originally scheduled. Attorneys and parties to litigation should understand that trial and hearing dates are firm.

B. Notice of Next Hearing Date

At the conclusion of any hearing, notice of the next hearing date will be provided to all present in court.

(e) Continuances

A. Policy

Continuances are not acceptable and shall be granted only in the most extenuating circumstances. Continuances shall not be granted because hearing dates prove inconvenient for attorneys or parties. Continuances shall not be granted upon the stipulation of the parties. The reason for any continuance shall be included in the court record.

B. Procedure

Continuances shall only be granted in accordance with the provisions of the Ch.C. regarding continuances and delays in permanency proceedings (CINC, Involuntary Termination of Parental Rights, and any adoptions stemming from such matters).

C. Mandatory Reporting to Supreme Court

In the event that a continuance is granted or a delay is permitted that exceeds the maximum allowable time frame established by the Ch.C., the Court is mandated by Supreme Court Rule 33 (Part 2) (§2) to report such a continuance within ten (10) days to the Louisiana Supreme Court, along with the reasons for the delay, and a copy of the order.

Rule 43.4 Instantner/Removal/Hold Orders

(a) Placement of Children Prior to Adjudication

A. Pursuant to Ch.C.Art. 619 et seq., for any request made by the State to remove a child from his parent(s), the individual making the request shall inform the Court of all efforts made to avoid removal in the form of a sworn affidavit.

When a request for removal is done on an emergency basis, through an oral instanter, affidavits requesting the removal shall be filed within twenty-four (24) hours of the granting of the oral instanter and shall contain the facts necessitating the removal and all efforts made to prevent or eliminate the necessity for removal. A hearing shall be set within seventy-two hours of the initial removal to determine the appropriateness of the continued placement of the child.

B. Once a child has been removed from the custody of his/her parent(s) or legal guardian(s) and custody placed with the State, all required DSS review forms shall contain documentation of the continuing necessity for the placement with the State and the continuing appropriateness of that placement. All efforts made to return the child to his/her parent(s) or legal guardian(s) and the length of continued placement or continued removal from the parents' or legal guardians' custody shall also be documented.

(b) Child in Need of Care—Removal.

Prior to adjudication, should a child be moved from one placement to another, DSS shall inform the court of the change of placement.

Rule 43.5 Placement of Children in Custody

(a) Initial Status Hearings

A. Policy

Initial status hearings may be conducted as needed to ensure that the adjudication in a CINC case will not be unduly delayed.

B. Procedure

In the event that any necessary party is not present at the continued custody hearing in a CINC case, the Court may elect to set an initial status hearing within seven (7) days from the date of the continued custody hearing.

C. Participants

The Court may require any and all parties to be present in order to ensure the prompt resolution of notice issues and to obtain essential information about the case.

D. Scope

The status hearing will focus on whether service has been completed on all necessary parties. In the event service on any party has not been attempted, or has been unsuccessful, the Court will press for any necessary steps for its completion. The Court may also inquire into issues and concerns raised at the continued custody hearing. For example, the Court may review and update issues regarding visitation; what OCS is doing to arrange a relative placement; OCS's current efforts to return the child home, explore alternative, less restrictive placements, etc. Orders to participate in services may also be refined.

E. New Parties

If a new party is present, he or she is advised of his or her right to an attorney and, if appropriate, counsel shall be appointed. The Court shall explain the possible disposition of the case, and answer any questions or resolve any issues regarding the processing of the case.

(b) Instanter Orders Directing that a Child is Taken Into Custody.

This Court will accept a written, verified complaint to the court for the purpose of taking a child into custody only from a peace officer, probation officer, the District Attorney, a court social worker, or an OCS employee. No other person or agency is authorized by this Court to take a child into custody.

(c) Attachments and Warrants; Release from Custody.

A. No person arrested pursuant to an attachment or warrant issued from this Court shall be released from custody, unless a bond is posted as specified in the warrant, or the judge to whom the case is allotted authorizes a release under conditions other than those specified in the warrant.

B. Any person arrested pursuant to an attachment or warrant issued from this Court, who is not released due to jail overcrowding or by posting bond, shall be brought before the magistrate judge the next business day following the arrest.

C. Any person arrested for outstanding fees in any Child in Need of Care or Juvenile Delinquency case that is released from jail due to overcrowding or by posting bond shall appear before the hearing officer on the next business day following their release.

D. Any person arrested pursuant to any CINC or Juvenile Delinquency case, other than an arrest for outstanding fees that is released from jail due to overcrowding or by posting bond, shall appear before the magistrate judge on the next business day following their release.

E. Any person arrested pursuant to a Criminal Neglect, Non-support or UIFSA case who is released from jail due to overcrowding or by posting bond shall appear before the Hearing Officer the following Wednesday by 8:30 a.m. If the Wednesday falls on a legal holiday, the person is to report the next Wednesday.

Rule 43.6 Reports

(a) Child in Need of Care Disposition.

All reports and evaluations pertaining to a dispositional hearing shall be submitted to the Court, in writing, no later than seventy-two working hours prior to the scheduled hearing. When OCS has been granted custody of the child, the reports shall be in CINC review form, pursuant to Ch.C. Art. 690

(b) Child in Need of Care Review.

All reports pertaining to CINC reviews shall be in writing and submitted to the Court no later than ten (10) calendar days prior to the review hearing. The report will be in CINC review form, pursuant to Ch.C. Art. 690.

(c) Permanent Placement Review.

At the scheduled ninety (90) day review, OCS shall submit a report to the court, in writing, no later than ten (10) calendar days prior to the hearing. The report will relate information regarding the placement status of the child.

(d) Private Permanency Placement Review Hearings, Permanent Placement Report: Contents.

A. In any case in which a permanency placement review hearing is required by Ch.C. Art. 1146(B), the legal custodian of the child shall file a written report not less than ten (10) days prior to the permanency placement hearing. Said report

shall be known as the permanent placement report and shall contain the following information:

- (1) Date of the child's placement.
- (2) Name and address of the family in whose home the child is placed.
- (3) The child's general welfare/ How the child is progressing in the home.
- (4) A statement as to whether this is the initial placement. If not, a statement as to why any previous placements failed.
- (5) Target date for the adoption petition to be filed.
- (6) A statement of any obstacles which may exist to the adoption, and any plan to overcome said obstacles.
- (7) A statement of any special concerns, such as serious health or behavioral problems.

(e) Child in Need of Care—Status Reviews

A. Policy

To avoid delays in the processing of child protection cases, the Court recognizes that readiness conferences or calls may be helpful in certain cases, to ascertain that all counsel are ready to move forward with scheduled case events.

B. Setting of Conference

The Court may elect to set a readiness conference any time prior to a scheduled case event.

C. Procedure

All attorneys are expected to begin preparation for the conference immediately, including consideration of the following items:

- (1) Review case file and all records and reports of social workers and experts that have been previously submitted to the Court.
- (2) Identify issues in controversy, as well as those not in dispute.
- (3) If necessary in order to identify issues in controversy, make direct contact with other counsel in the case prior to the conference.
- (4) Ascertain the need for any further discovery and make supplemental requests immediately.

D. Readiness Calls

(f) Readiness Conferences/Calls

The Court may designate an individual to make telephone contact with all parties and attorneys to assess their readiness to move forward with a case event, or to ascertain such other information as the Court may direct.

Rule 43.7 CASA

(a) Appointment of Court Appointed Special Advocates (CASA)

A. Policy

The Court acknowledges that the appointment of a CASA may be in the best interest of a child who is the subject of a child protection case. Appointments will be made on the criteria that are, from time to time, established by the CASA Jefferson Governing Body and the CASA Program.

B. Procedure

Ideally, a Court Appointed Special Advocate should be appointed at the continued custody hearing or as soon thereafter as possible.

C. Duty of CASA to Continue

Whenever possible, after a CASA accepts an appointment, that advocate's involvement with the case should continue through all stages of the proceedings until the case has been dismissed.

CHAPTER 44. DELINQUENCY PROCEEDINGS

Rule 44.1 Reports

(a) Delinquency Reports.

Reports to the Court regarding recommendations for disposition and reports pertaining to review hearings shall be submitted to the Court in writing, no later than five (5) business days prior to the scheduled hearing date.

(b) Revocation of Probation; Affidavit.

When any probation officer, Parish or State, files a Motion to Modify Probation to revoke probation, a sworn affidavit attesting to the facts surrounding the revocation must be filed concurrently with the Motion to Modify.

CHAPTER 45. FINS PROCEEDINGS

Rule 45.0 Informal FINS Process

(a) Description.

FINS is an attempt to meet the needs of children and their families and an attempt to keep the family out of the judicial system, to the greatest extent possible, by establishing a family service plan and coordinating the provision of services to the family by the community.

Rule 45.1 Formal FINS Process

(a) Services Coordinator.

Any agency appointed by the Court as the lead agency in an individual case is to act as monitor of and service coordinator for that FINS case. It will be the duty of the lead agency to ensure that the FINS referrals have accurate information regarding available community services and assist the referrals in accessing those services. The lead agency will also monitor the FINS referrals to determine whether the family service plan is followed and to make appropriate interventions as needed.

In cases where OCS has been named lead agency, the Court's "Judgment of FINS Disposition" form shall be completed prior to the disposition hearing and brought to Court on the day of disposition. This form shall remain a permanent part of the record.

Rule 45.2 Reports

(a) Families in Need of Services.

Reports to the Court regarding recommendations for disposition and reports pertaining to review hearings for adjudicated FINS shall be submitted to the Court, in writing, no later than five (5) working days prior to the scheduled hearing date. Reports to the Court regarding the monitoring of non-adjudicated FINS shall be submitted to the Court monthly.

CHAPTER 46. ADOPTION PROCEEDINGS

Rule 46.0 Filing of Pleadings; Required Exhibits

(a) Filing of Petitions.

All adoption proceedings shall conform to the requirements of the Ch.C. and all applicable Court Rules.

(b) Required Exhibits.

In addition to all adoption requirements set forth in the Ch.C., all petitions for adoption must have attached as exhibits, if applicable, a certified copy of: the petitioner's marriage certificate; any and all divorce decrees which terminated petitioner's prior marriage(s); and any and all death certificates of previous spouses which death caused the termination of a petitioner's previous marriage. If the adoption is an intrafamily adoption by a stepparent of a child born in-wedlock, the above stated information shall also be provided for the parent married to the petitioner even though that parent is not joined in the petition.

Additionally, all adoption petitions requesting adoption of a child born out-of-wedlock must include as exhibits a certificate from the state's putative father registry indicating whether any person is listed registered as the child's father, and a certificate from the Clerk of Court in the parish where the child was born indicating whether any act of acknowledgment with respect to the child has been recorded.

(c) Surrender Requirements.

In addition to all surrender requirements set forth in the Ch.C., all formal private Acts of Voluntary Surrenders must state the identity of the father, or state specifically that the father is unknown.

(d) ICPC Approval.

If an adoption requires approval of the child's placement in accordance with the Interstate Compact on the Placement of Children (ICPC), as set forth in the Ch.C. written evidence of the ICPC approval of such placement shall be filed with the Court prior to the granting of judgment in an adoption proceeding.

(e) Proof of Disposition of Adoption not Finalized in this Court.

If after the filing of a Voluntary Act of Surrender, Certificate of Adoption, or Application for Court Approval of an Adoptive Placement, no Petition for Adoption is filed in this court, within fifteen months of the original filing, the petitioner's attorney shall file a certified copy of the judgment of adoption granted by another court or, if the matter was not finalized by judgment elsewhere, the attorney shall inform this court in writing of the disposition of the adoption.

(f) Intrafamily and Private Adoption Record Checks.

A. Policy

In addition to the procedures for records checks in the Ch.C., the following procedures shall be followed to institute the required national and state checks. These new procedures apply to intrafamily and private adoptions.

B. Procedure

Upon the initial filing of the adoption, the adoption clerk shall give attorney for petitioner(s) one records check packet per petitioner. This packet shall contain:

- i. Records Check Instruction Sheet;
- ii. 1 fingerprint card;

- iii. 1 State Authorization form, and
- iv. 1 State Disclosure form.

The adoption clerk shall:

- i. Fill out and sign the appropriate sections of the State Authorization and Disclosure forms; and,
- ii. Place copies of the State forms, with the adoption docket number affixed to the State Rap Disclosure form, in the appropriate adoption record; and,
- iii. Return signed materials to petitioner(s) attorney.

C. Motion and Order for Records Check

The motion and order for records check, filed with the adoption petition, shall:

- i. Order the Louisiana Office of State Police, Bureau of Criminal Identification and Information (State Police) to conduct state and federal records checks for all arrests and convictions on each petitioner;
- ii. Petitioner information required in Children's Code Articles 1131 and 1243.2(B) shall be included, and;
- iii. The address of the Court receiving the results shall be enclosed in the order.

D. Upon receipt of the records check packet(s), attorney for petitioner(s) shall ensure that:

- i. Each petitioner goes to the Jefferson Parish Sheriff's Office and has their fingerprints taken and placed on the provided fingerprint card at the Sheriff's Office.
- ii. The following documents are mailed timely to the State Police:
 - a. Certified copy of signed Order for Records Check;
 - b. 1 State Authorization form per petitioner;
 - c. 1 Rap Disclosure form per petitioner;
 - d. 1 fingerprint card per petitioner;
 - e. 1 money order, business or cashiers check, made out to "Louisiana State Police" in the amount listed on the instruction sheet.

E. Failure to comply with any of the above provisions will result in a delay in finalizing the adoption.

Rule 46.5 Curators Ad Hoc

(a) Curator Appointments, Fees, and Costs.

When appointment of Curator is required, the petitioner in an adoption proceeding shall deposit the sum of \$290.00 with the supervisor of the Juvenile Clerk of Court to cover the administrative cost of the clerk's administrative fee (\$15.00) and the Curator's fee (\$275.00). The Curator's fee will automatically be increased in accordance with any increase in the 24th Judicial District Court fee schedule. Payment shall be made in cash, money order, or check drawn on the attorney's account and made payable to the Clerk of Court.

Any additional costs incurred by the Curator in his efforts to locate the missing parent shall be due and payable by petitioner's attorney prior to the signing of the judgment of adoption. Payment shall be made payable to the Curator.

(b) Fees.

A filing fee shall be assessed in all adoption proceedings. Additional fees that may be assessed may include administrative and curator fees.

CHAPTER 47. CHILD SUPPORT PROCEEDINGS

Rule 47.0 Expedited Process

(a) Disagreement Hearings.

If any party disagrees with the recommendation of the Hearing Officer, the said party may object in writing in accordance with La.Ch.C. Art. 423(F). The writing may be by letter, by motion, or forum rule (available at the Juvenile Clerk of Court's Office).

If a party objects to the recommendation of the Hearing Officer immediately, the matter will be set before the Magistrate Judge on that same day, if possible. If it is not possible to set the matter on the same day, it will be set at the next available date before the Judge before whom the case is allotted.

(b) Bond Hearings; Failure to Appear.

The defendant's failure to appear for a bond hearing, after notice, will be deemed as acquiescence by the defendant to the Court's forfeiture of the bond for any arrearage due by the defendant.

(c) Service of Process.

In all cases where to[sic] parties have agreed to accept service by mail, said service for all proceedings will be sent to the parties by U.S. Mail at the address in the court record for each party. Each party is responsible to notify the court in writing of any change of address. Service will be deemed good and sufficient if it is mailed to the last address provided by the party. Failure of a party to appear based upon said service by mail will be basis for issuing an attachment.

(d) Continuances.

All court proceedings must be initiated by a written request of a party or attorney. The writing may be a letter, formal motion, or form rule (available at the Administrative Office of Juvenile Court or at the Juvenile Clerk of Court's Office). The written request must set forth in general terms the relief sought by the moving party, or the category of hearing which is being requested (i.e. Review, Contempt, etc.), as well as the names of all relevant parties and the docket number of the case.

Rule 47.3 Payment; Collection Procedures

(a) Payment of Support.

All child support payments shall be made in accordance with the order of the Court. In all child support enforcement proceedings within the jurisdiction of this Court, a fee of 5% shall be assessed and collected against existing and future arrearages, and ongoing support payments due by an obligor in all support cases docketed in this court, whether or not an arrearage exists.

Rule 47.4 Custody and Visitation

(a) Custody.

A. Where this Court has previously rendered an initial order of custody and/or visitation in a paternity and/or child support matter, this Court will continue to address issues regarding custody and visitation, except as provided in Paragraph B of this Rule.

B. This Court will not address custody and/or visitation issues in the following instances:

(1) Any paternity and/or child support cases in which this Court has not previously addressed the issues of custody and/or visitation.

(2) Any paternity and/or child support case where this Court has rendered an initial order of custody and/or visitation, but the matter of support is either closed or dismissed.

C. Any matters addressed in B(1) or B(2) of this Rule shall be urged in the District Court.

D. This Court will not address any other ancillary matters in a non-support case including but not limited to community property, interim periodic support, or final periodic support.

CHAPTER 49. OTHER PROCEEDINGS

Rule 49.4 Abortions

(a) Abortions.

This court is authorized to hear applications for abortions from minors. The statutory provisions shall govern these proceedings. All minors applying for an abortion shall have the right to counsel, and indigent minors have the right to court appointed counsel. All forms may be obtained from the Clerk of Juvenile Court.

Rule 49.6 Special Court Orders/Proceedings (Interstate Compacts, Terminally Ill Children, Other)

(a) Children in State's Custody, Permission to Leave the Jurisdiction for a Limited Duration, Medical Treatment.

Except where otherwise ordered by the court or when otherwise provided for in a probation contract or informal adjustment agreement, whenever the State has been given legal custody of a child, as defined by Ch.C. art. 116(12), the State shall have the authority, without obtaining court approval, to authorize home visits, furloughs, leaves, and trips of limited duration outside the jurisdiction of the court.

The State may also authorize necessary medical treatment and/or emergency major medical treatment, if an attending physician certifies the medical treatment is necessary, or if a medical emergency situation exists, again pursuant to Ch.C. art. 116(12).

(b) CINC, Delinquency, Adjudicated FINS.

This Court may assign custody of a minor to any agency, institution or person, as authorized by the Ch.C., in any CINC, adjudicated FINS, or Delinquency proceeding, as appropriate. In instances where there is no agency involvement, or where an agency no longer has custody nor is supervising the case, but custody has been transferred from one parent to another parent or a third party, the case will remain open, in the original record.

(c) Custody and Visitation in Paternity/Child Support Cases.

See Article XIV Rule 14.2

(d) Voluntary Transfer of Custody.

In a Voluntary Transfer of Custody proceeding, the Court will transfer custody of a child from a parent to a non-parent, only. As between parents, either legal or non-legal, custody must be addressed either through the District Court or through a Provisional Custody by Mandate.

Rule 49.7 Expungements

(a) Procedure

Motions for Expungements shall be done according to form, as provided by the Court. Forms and information sheets are available from the Clerk of Court.

Only a former juvenile who has been subject to a Juvenile Court proceeding, appearing in proper person, or his attorney, may file a Motion for Expungement. The parents of the former juvenile may not file the motion, nor may any other person. If information regarding the case is needed to file the Motion for Expungement, a Motion for Disclosure must be granted by the Court and files into the record.

Expungement of adult arrests or convictions that arise out of Juvenile Court cases shall be filed in the District Court. Information contained in juvenile cases relative to the adult arrests or convictions may be obtained, for good cause shown, upon the Court's granting of a Motion for Disclosure.

CHAPTER 51.0 OTHER RULES

(a) Marriage of Minors; Juvenile Court's Jurisdiction.

For the purposes of marriage, the court shall retain jurisdiction over all minors, unless the minor has been previously emancipated.

(b) Marriage License Requirements.

A. Required Documents

When a minor under the age of 16 wishes to marry, the Clerk may issue a marriage license only if the following documents are produced:

- (1) Written waiver of minority signed by a Juvenile Court Judge of the parish where the minor resides or where the marriage is to be performed.
- (2) A written consent to the marriage by both of the minor's parents, tutor, or legal custodian.

B. Exception

Exceptions to the requirement that both parents consent to the marriage exist when one parent is deceased, when the parents are divorced and one parent has sole custody, when only one parent is indicated on the birth certificate, or when the Juvenile Court exercising jurisdiction over the proceeding signs a written waiver of parental consent. The following documents are required:

- (1) A certified copy of the minor's birth certificate, unless waived by the court exercising jurisdiction over the proceeding.
- (2) Proof that at least one of the parties resides in Jefferson Parish.

(c) Waiver of Minority by the Court.

A written waiver of minority shall be granted by the Court when a pregnancy is involved, or when the minor will be sixteen within two months of the waiver.

In all other instances, the couple shall be interviewed by the court social worker to determine the couple's maturity. The social worker shall make a recommendation to the Court as to whether the waiver of minority is in the best interest of the minor.

(d) Waiver of Parental Consent by the Court.

If a situation exists whereby consent of both parents is needed, but the whereabouts of one parent is unknown, the Court may, on a case-by-case basis, waive the absent parent's consent.

(e) Waiver of Minority and Parental Consent of Minor Under the Age of 16 Years.

If a pregnant minor is under the age of 16 years and is without the requisite consent of her parents, the Court shall order that minority and parental consent be waived, if there are compelling reasons why the marriage should take place, and if it is in the best interest of the minor.

(f) Seventy-Two Hour Waiver.

For good reason shown, and if it is in the best interest of the minor, the Court may waive the 72 hour waiting period required between the issuance of the marriage license and the performance of the marriage ceremony.

(g) Authority of the Court.

Notwithstanding any provision of law to the contrary, this Court may grant a minor permission to marry should the Court find that there are compelling reasons for the marriage and that it is in the best interest of the minor.

(h) No Cellular Telephones in the Courthouse; Attorney Exceptions

It shall be the policy of this Court that no cellular telephones are allowed in the Courthouse. Anyone with a cellular telephone on his or her person shall leave the courthouse and dispose of the cellular telephone before re-entering the Courthouse.

Exception: Attorneys are allowed to carry their cellular telephones in the Courthouse upon showing to the security guards their Bar card. Attorneys shall turn their cellular telephones off when in the courtroom, unless otherwise directed by the judge.